

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

JOSEPH T. SORENSON, an individual,
Plaintiff,

vs.

JOSE ARTURO RIFFO, an individual,
ALAN C. MONSON, an individual,
CRYPTO CORPORATION, INC., a Utah
corporation, GLOBAL DATABASE
INFORMATION SYSTEMS, INC., a Utah
corporation, and DIPPARDO FINANCIAL &
GUARANTY GROUP, INC., a Utah
corporation,

Defendants.

MEMORANDUM DECISION AND
ORDER DENYING DEFENDANTS'
MOTION FOR PARTIAL
SUMMARY JUDGMENT AND
GRANTING PLAINTIFF'S MOTION
TO SUPPLEMENT RECORD AND
PERMIT A SURREPLY RELATIVE
TO DEFENDANTS' MOTION FOR
PARTIAL SUMMARY JUDGMENT

Case No. 2:06-CV-749 TS

CRYPTO CORPORATION, INC., a Utah corporation, GLOBAL DATABASE INFORMATION SYSTEMS, INC., a Utah corporation, and DIPPARDO FINANCIAL & GUARANTY GROUP, INC., a Utah corporation,

Counterclaim Plaintiffs,

vs.

JOSEPH T. SORENSON, an individual,

Counterclaim Defendant.

CRYPTO CORPORATION, INC., a Utah corporation, GLOBAL DATABASE INFORMATION SYSTEMS, INC., a Utah corporation,

Third-party Plaintiffs,

vs.

KATHLEEN SORENSON, an individual, BEVERLY SORENSON, an individual, JAMES L. SORENSON, an individual, and DOE individuals or entities I-XX,

Third-party Defendants.

This matter is before the Court on Defendants' Jose Arturo Riffo, Alan C. Monson, Crypto Corporation, Inc., Global Database Information Systems, Inc., and Dippardo Financial & Guaranty Group, Inc. ("Defendants") Motion for Partial Summary Judgment and Plaintiff Joseph T. Sorenson's Motion to Supplement Record and Permit a Surreply Relative to Defendants' Motion for Partial Summary Judgment. The Court has carefully considered the pleadings, memoranda, and other materials submitted by the parties. The Court finds that oral argument

would not be of material assistance in deciding these motions. For the reasons discussed below, the Court will grant Plaintiff's Motion and will deny Defendants' Motion for Partial Summary Judgment.

On March 10, 2008, Plaintiff filed a Motion seeking to supplement the record and seeking to file a surreply. Defendants have not responded to that Motion. The Court finds that the materials submitted by Plaintiff in his Motion are helpful in determining the underlying Motion for Partial Summary Judgment. Therefore, the Court will grant Plaintiff's Motion.

Turning to Defendants' Motion for Partial Summary Judgment, the Court finds that there are genuine issues of material fact on the issues of whether the transaction at issue was a security, whether the transaction was isolated, and whether the transaction was a public offering. As a result of these findings, summary judgment is not proper¹ and Defendants' Motion will be denied.

It is therefore

ORDERED that Plaintiff's Motion to Supplement Record and Permit a Surreply Relative to Defendants' Motion for Partial Summary Judgment (Docket No. 77) is GRANTED. It is further


ORDERED that Defendants' Motion for Partial Summary Judgment (Docket No. 41) is DENIED. It is further

ORDERED that the hearing set for March 27, 2008, at 2:00 p.m. is STRICKEN.

¹See Fed.R.Civ.P. 56(c).

DATED March 25, 2008.

BY THE COURT:



TED STEWART
United States District Judge